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USSN: 10/051,200

FILED: January 17, 2002

TITLE: METHOD AND MOLD FOR MOLDING FLEXIBLE POLYMERIC ENVELOPES

On January 3, 2004
Date

response to an Office Action consisting of four pages of arguments, return receipt postcard, request for one-month extension of time, authorization to charge Deposit Charge Account 13-2492 the sum of $110.00 for the fee.

Robert L. McKellar
Signature

Robert L. McKellar
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1722

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:	)	Group Art Unit: 1722
Stephen T. Garelli	)	Examiner: Emmanuel S. Luk
Filed: January 17, 2002	)	
Serial Number: 10/051,200	)	Response Under Rule 37 CFR § 1.111
Title: METHOD AND MOLD FOR MOLDING FLEXIBLE POLYMERIC ENVELOPES	)	
Attorney Docket: MSH – 206	)	January 3, 2004

COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA VA 22313-1450

Dear Sir:

In response to the Office Action mailed on September 25, 2003, the applicant respectfully requests reconsideration of this application on the basis of the following comments.

Applicant requests a one-month extension of time to file this response. The fee under 37 CFR 1.17(a)(1) (Fee Code 1251) of $110.00 should be charged to Deposit Charge Account 13-2492. The applicant is a large entity. The extension would make the due date January 25, 2004.

The claims of the application were restricted by the Examiner during a telephone conversation with applicant's attorney on March 6, 2003 to Group I, claim 1, directed to an apparatus and Group II, claims 2 to 7, directed to a process for molding, which was confirmed by the Examiner in the instant Office Action. Applicant elected Group II in the telephone conversation of September 11, 2003 and applicant confirms this election, noting for the Examiner that claim 2 is directed to the process of molding, and claims 3 to 7 are directed to articles molded by such process.

The Examiner has withdrawn claim 1 from further consideration.

Turning now to the rejection of the claims, wherein the Examiner has rejected claims 2, 3 and 5 to 7 under 35 USC 103(a) as being unpatentable over Milner, U.S. Patent 2,304,190 in view of Cole, U.S. Patent 4,541,795.

Applicant has reviewed the Office Action and comments by the Examiner and has reviewed the cited prior art and can state that the applicant disagrees with the rejection of the claims by the Examiner.

The Milner reference deals with a process for molding. However, the process is very clearly not injection molding, it is compression molding, which differs significantly from injection molding. It follows then that the apparatus that is used would differ significantly, but moreover, the process would also differ significantly.

Injection molding in the case of the instant invention is for molding thin wall elastomeric materials and such a type of molding does not require compression to accomplish the molding. Since the Milner patent issued in 1942, which is clearly prior to the era of the existence of room temperature curable elastomeric materials, the patentee therein could not have envisioned the injection molding of such materials, and therefore, could not have, and did not, supply any information with regard to such a process.

The process of Milner, as was recognized by the Examiner, does not deal with the injection of any type of material, and with regard to the disclosure of Milner at column 2 of page 2, beginning at line 25, and continuing, the patentee discloses the placing of rubber stock on the top of the core, closing the mold, heating the mold to semi-cure (light semi-cure, lines 47-48) the rubber stock, cutting the spew lines thus formed (and incidentally, forming the plug that is required to seal the ball), and removing the ball from the core. Presumably, the ball must be removed in the semi-cured state so that the thick rubber walls will move around the core for ready removal from the core.

In the instant process, there is no placing of rubber stock into a mold that is open as in Milner. The mold is closed in the instant invention before the stock is injected into the cavity. Further, there is no compression of the stock, and no is heating required for the instant invention, and therefore, there is no need for a Milner type of apparatus containing the complex heating arrangement for such a cure. Still further, the product that is removed in the process of the instant invention is fully cured and it is in this fully cured

state that the product is removed from the core. Yet further, the process of the invention provides thin walled products that would not be possible with the Milner process, and finally, the process of the instant invention provides product in a much faster production time because of the fact that all of the extraneous steps of Milner do not have to be performed.

Now, the Examiner states that Cole supplies the information that is not found in Milner, namely, "Milner fails to teach liquid injected via upper mold opening and texturing of the product by the surfaces.", and, "Cole teaches an injection molding apparatus having a mold cavity (101), where material is injected into the mold via channel (133) through the upper mold (103). Air is injected to the lower mold via channel (191) for ejection of the product from the cavity."

The Examiner has misinterpreted Cole for what it actually teaches, and therefore, it does not compliment Milner in that regard and is therefore improperly coupled with Milner under 35 USC 103.

Cole deals with a mold and a molding method for forming a closure device having a cap portion, a cylindrical plug portion extending therefrom, and a cylindrical collar extending substantially coextensively and coaxially with the plug portion spaced therefrom.

The applicant would first point out to the Examiner that the product of the molding process of Cole does not resemble the configuration of the products of the instant invention, and for that matter, of the Milner process either. A careful reading of Cole shows that the apparatus of Cole is a multi-component molding apparatus containing many interrelating parts, and that many excessive mechanical means are required to move the multi-component mold pieces so that the complicated product can be removed from the mold, and that the air ejection of the product at the end of the Cole process does not balloon the product as is the case in the instant invention, but instead, just uses a point force of air (a burst of air) to dislodge the product so that it can be extracted from the mold using such mechanical means. See cf. column 3, lines 1 to 6 in conjunction with the teaching at column 8, lines 9 to 14 of Cole, and cf. column 9, lines 3 to 24 for the complexity of mechanical parts and the complexity of the movement of them to remove the product from the mold.

In addition, it is clear that the Cole reference deals with thermoplastic injection molding, which is dissimilar to the elastomeric injection molding of the instant invention.

Thus, Cole does not support Milner and the combination of these two references is not permissible as a basis for rejection of the instant claims under 35 USC 103.

Finally, the rejection of claim 4 under 35 USC 103(a) as being unpatentable over Milner in view of Cole as applied to claims 2, 3 and 5 to 7 above, and further in view of Takahashi, U.S. Patent 5,089,201 is without foundation and should be withdrawn.

Takahashi merely teaches the use of injectable, curable silicone material and does not teach that it can be used in a process as set forth in the instant invention. Nothing in Takahashi discloses, teaches, implies or otherwise directs one to the use of curable silicone material in the particular process of the instant invention.

Applicant notes the prior art of Anderson, Johnson, Seeger and Holmes.

On the basis of the above comments, applicant believes that the claims are allowable over the prior and the applicant respectfully requests that the Examiner withdraw the rejections and allow the claims to issue.

Respectfully submitted,

Robert L. McKellar

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